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**From:** Kito, Melanie R CIV NAVFAC SW  
**Sent:** Tuesday, September 2, 2008 4:04 PM  
**To:** Gilkey, Douglas E CIV OASN (I&E) BRAC PMO West; Macchiarella, Thomas L CIV OASN (I&E) BRAC PMO West; Liotta, Rita M CIV WEST Counsel; Cummins, John M CIV NAVFAC SW; Callaway, Rex CIV NAVFAC SW; Forman, Keith S CIV OASN (I&E) BRAC PMO West  
**Subject:** FW: Draft Minutes for the August 14 2008 HPS Transfer Meeting  
**Attachments:** Draft HPS Transfer Meeting 081408.doc

Attached are the minutes for the August 14th meeting. Please give me your comments by next Monday (Sept 8th) so I can send these out to everyone else.

Thanks,

Melanie

-----Original Message-----

From: Hall, Steve [mailto:steve.hall@ttemi.com]  
Sent: Friday, August 29, 2008 19:09  
To: Kito, Melanie R CIV NAVFAC SW; Forman, Keith S CIV OASN (I&E) BRAC PMO West  
Cc: Merrifield, Campbell  
Subject: Draft Minutes for the August 14 2008 HPS Transfer Meeting

Melanie and Keith,  
The draft minutes for the August 14, 2008 HPS Transfer Meeting are attached for your review.

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# **HUNTERS POINT SHIPYARD TRANSFER MEETING MINUTES**

**August 14, 2008**

These minutes summarize the meeting of the Hunters Point Shipyard (HPS) Transfer Team held on August 14, 2008, at the Department of Toxic Substances Control (DTSC) office in Berkeley, California. Participants in the meeting included the representatives from the Department of the Navy, the U.S. Environmental Protection Agency (EPA), the DTSC, and the San Francisco Bay Regional Water Quality Control Board (Water Board), the California Department of Public Health (CDPH), the San Francisco Department of Public Health (SFDPH), and the City and County of San Francisco (CCSF). CCSF's consultant, the Lennar team of developers, also attended the meeting along with a Navy consultant. These minutes provide the main topics, decisions, and action items agreed to at the meeting. A list of attendees is included as Attachment A. A complete list of action items is included as Attachment B.

## ***Radiological Issues***

The topic of radiological issues is meant to cover a number of items in discussion, including the status of structuring the license "exemption" process, the integration of the license exemption into the early transfer schedule, the status of the resolution of Navy and CDPH quality assurance (QA) issues for laboratory analyses of confirmation samples, the status of the Building 140 sump issues, and the schedule for the remedial design and cover/cap implementation at Installation Restoration (IR) Sites 07 and 18.

## **DTSC/CDPH Status on Structuring the License "Exemption" and Integrating It into the Early Transfer Schedule**

Doug Gilkey (Navy) began the discussion regarding the license "exemption" by noting that more detailed information needed to be discussed regarding the process, as it was understood the license exemption could not be granted until the remedy was in place. Rick Moss (DTSC) indicated the completion of construction should occur shortly after the exemption is granted, and interim measures to protect public health would be necessary. He stated the timeline for the construction of the remedy would be tight. Rufus Howell (CDPH) indicated the license exemption would need to provide a thorough understanding of the interim protection measures in place pending the completion of the construction of the remedy. Mr. Gilkey inquired what DTSC and CDPH were considering for interim measures to protect public health. Mr. Moss suggested restrictions might include fencing of the areas, security, signage, air monitoring, and baseline monitoring. Bob Elliott (DTSC) asked if the planned cap would be in place shortly after the transfer. Elaine Warren (CCSF) indicated the cap would be in place within a month of transfer. Melanie Kito (Navy) agreed.

Mr. Gilkey confirmed the Navy could agree to restrict access. Mr. Gilkey asked about the plans for preparation of a Covenant Deferral Request (CDR) package for the Governor, and whether (1) a package excluding the portion requiring remedial action would be submitted to

the Governor, or (2) a package for all the property, including the portion that required a remedial action (with the understanding of the Navy's intent to complete the construction of the remedy), would be submitted to the Governor. Mr. Moss indicated the issue of ongoing radiological work during the transfer of a property had come up at McClellan Air Force Base (AFB) as well; in that case, a single Finding of Suitability for Early Transfer (FOSET) had been prepared, along with a CDR package, with the understanding that the locations with radiological impacts would not transfer until the Navy had completed all remedial activities. Keith Forman (Navy) inquired whether the documents prepared for McClellan AFB had included interim measures. Mr. Moss indicated they had.

Mr. Gilkey clarified a finite term for the implementation of interim measures for the protection of public health would be included in the documents. Mr. Moss clarified that, for the licensing exemption to occur, a level of certainty that the construction of the remedy will occur in a timely manner is needed. Mr. Gilkey offered that there would most likely be some sort of delay before construction of the remedy, but the goal would be to make sure it was timely with regard to early transfer.

Mr. Gilkey asked which approach was preferred to allow the process to move forward: removing IR Sites 7 and 18 from the parcel and putting the planned remedy in place to allow transfer by Finding of Suitability to Transfer (FOST), or implementing a "phased" transfer. Michael Cohen (CCSF) described what he referred to as early transfer 'light', wherein any radiological work and most of the other "hot spot removal" at other sites would be completed prior to the transfer to the City of San Francisco (City), and the remaining hot spot removals could be "phased in" to transfer as they were completed. Mr. Gilkey asked if that option would require a discussion with the Governor to clarify the status of and path forward for radiologically impacted areas, capped areas, planned remedies, and any interim measures required for the protection of public health. Mr. Cohen replied that a briefing would be necessary, and explained that the title to the land transferred would not come to the City until the remedy was in place.

Mr. Elliott ventured that the described early transfer, with the radiological work and hot spot removals completed, wasn't really "early transfer" but regular transfer. Mr. Gilkey clarified that an early transfer would still be necessary because the cap required one year of monitoring to prove its effectiveness prior to transfer by FOST. Mr. Cohen agreed that there would be minimal requirements for early transfer if the actions mentioned were completed prior to transfer.

Mr. Gilkey asked what Mr. Moss meant by baseline monitoring when discussing interim measures for the protection of public health. Tom Lanphar (DTSC) added that the purpose of baseline monitoring before the remedy is in place is to ensure the site is controlled, and is not a danger to public health. Mr. Gilkey asked if the interim measures would be put in place before the remedy or if the interim measures were actually a part of the remedy, and therefore would not be put in place until the remedy was in place. Mr. Moss indicated it was the transfer of the title that would trigger the interim measures.

Mr. Elliott asked if the remedy was in place prior to transfer, then would interim measures not be required. Mr. Gilkey expanded on this, asking whether, if the transfer occurred before the remedy were in place, then would the Navy retain the interim measure and cap requirements while the City owned the property, or would the Navy implement the remedy and interim measures and then transfer the property? Mr. Cohen stated that if the remedy were in place for Parcel B there would be no interim measures; but if the remedy were not in place at Parcel B, then the interim measures mentioned earlier, such as fencing and signage, would be necessary. He added that transfer by deed would require DTSC's signature. Mr. Gilkey asked whether the Governor would approve a transfer structured in that way. Mr. Cohen indicated the latter option would be more difficult. He said the City wanted to ensure the radiological work was completed, but he thought that if groundwater monitoring was ongoing, the City would not have a problem with the transfer. Mr. Cohen confirmed that the City was not likely to take title without a license exemption from the Governor in place.

Mr. Gilkey asked if there was a possibility that two CDR packages would be submitted to the Governor. Mr. Howell indicated the CDPH would need to review the proposals that were being discussed here, with the various phases of remedy in place, and consider the possibilities. He indicated that DTSC had an issue with unpaved areas in the parcel, but with these new proposals, there were new considerations to take into account to understand the project. Mr. Elliott added that the Governor's determination is needed if the remedy is not in place, but the Governor's office is not involved if the remedy is in place. He asked the group to consider the logistics if the Governor did not approve. Mr. Cohen stated he agreed with the outcome, for the property to stay under federal oversight until the remedy is in place. He said that the City would prefer to avoid a second FOSET or CDR.

Mr. Gilkey inquired if consideration had been given on how to approach and implement a phased or multi-phased transfer. Gordon Hart (Lennar) indicated the discussions at McClellan AFB on how to accomplish a multi-phased transfer had been ongoing, and were based on the understanding that it was the path HPS was pursuing. Mr. Gilkey said the phased transfer could be effective, or perhaps parcels could be redefined. Mr. Forman suggested the IR Sites 7 and 18 could be removed from a transfer parcel to address concerns over radiological remediation. Mr. Cohen indicated that was an idea to consider, but reminded the group assembled there were other issues to resolve. Mr. Gilkey indicated he thought the idea to remove IR Site 7 and 18 was "workable." Amy Brownell (SFDPH) indicated the preference was to include Parcel G on the first CDR to the Governor. Mr. Forman indicated there would need to be some discussion about whether it was better to split the parcels up or keep them together. Mr. Cohen reiterated the City would like to transfer as much land as possible as quickly as possible; it would be acceptable to "sub-parcelize" parcels, but the City wanted the property transferred as soon as DTSC signed off on it.

Ms. Warren stated, as a point of clarification, that the maps in the Parcel B Proposed Plan the Navy prepared and the latest redevelopment plans are not consistent. The figure in the Proposed Plan does not reflect the current land use plan, which has been revised to include more information. Ms. Warren indicated that Sheila Roebuck (Lennar) has the most up-to-date version of the figure. Ms. Brownell indicated that the Navy needs to address the open

space bounded by a roadway, as a curvy road as shown is not a good boundary for IR Sites 7 and 18.

Ms. Roebuck indicated there were portions of IR Sites 7 and 18 that were not good candidates for redevelopment as open space, and portions that might be justified for removal from IR Sites 7 and 18 due to radiological impacts. She added that it does not make sense to include the right-of-way for the roadway in the IR Sites 7 and 18 boundary, as the utility corridor necessary to support the roadway may be in an area subject to remedial activities. Mr. Cohen said that from a land use perspective there is no difference as it is not a change of use to residential, so it should be acceptable; however, if there is an open space, with a roadway, the data needs to support that use, if the boundaries are modified to remove portions from the IR Program.

Mr. Gilkey expressed concern that the data for IR Sites 7 and 18 is being questioned, yet there is discussion to “slice off” a piece of the site. Mr. Lanphar said there was a field report that provides information to support the removal of a portion of the filled area from the IR Sites 7 and 18; and in addition, an evaluation of the technical data would support the change to the site boundary. Ms. Brownell indicated the request had been made in comment letters previously provided. Mr. Gilkey said that even though the data and comment letters might support the change in the boundary, the information would need to be evaluated to determine if it was substantial enough to support the boundary change. Mark Ripperda (EPA) indicated there was different data available to support the boundary change. Mr. Gilkey inquired if it would be possible to address the question of the boundary change in the remedial design and risk management plan. Ms. Roebuck indicated it was difficult because the area was sub-grade. Mr. Gilkey said that the process would be the same for sub-grade areas. Ms. Roebuck stated that the road would require a deeper utility corridor for infrastructure such as street lamps.

Mr. Cohen stated that the preference would be to maintain the integrity of the cap by designing shallow infrastructure that would not impinge on the remedial cap, although the road bed will need a greater depth. He clarified that the boundary did not cover the area he referred to as the “handle on the skillet.” Mr. Gilkey added that the argument to change the boundary would not have eliminated the need for the licensing exemption. Mr. Howell agreed and said the remedy would need to be reviewed to determine if there was a potential human health risk. Mr. Cohen stated if a revision of the boundary is not possible then the plans will be reviewed. Ms. Brownell stated there was evidence demonstrating the area suggested for removal from the IR Sites was not radiologically impacted. Mr. Lanphar countered that the area could not be considered free of radiological impact.

Mr. Gilkey requested a 10-minute break.

After the break, Mr. Gilkey indicated the Navy would review the data for the area proposed for removal from IR Sites 7 and 18, and work with RASO and CDPH to determine a resolution. Mr. Elliott clarified this was related to IR Sites 7 and 18, and the little “notch” in Site 7.

Mr. Ripperda stated that if the road were installed, the state would develop cover controls, and added that the risk management plan will have provisions for deeper work such as the road bed. Mr. Elliott indicated that any invasive work in the vicinity of the remedial cap would require a work plan, independent of the risk management plan, although it was not clear if the risk management plan would be required based on the boundary revisions that have been discussed at this meeting.

Mr. Howell asked what agency would have oversight authority for the area redeveloped as “open space.” Mr. Cohen indicated the City generally considered there were two types of open spaces: passive and active. Mr. Cohen said grassy areas, walking trails, and an amphitheater would be considered examples of passive open spaces, while ball parks, basketball courts, and soccer fields would be considered active open spaces. Mr. Cohen stated amenities for open spaces needed to be considered as well; for instance, areas greater than 15 acres generally would include a bathroom facility, and some sort of multi-purpose room for equipment storage. Robert Carr (EPA) inquired if food service would be part of the plans for the open space area as well. Mr. Cohen indicated food service would depend on the size of the open space area, and mentioned one alternative would be to consider food service that was mobile, like the “taco trucks” or a coffee cart. Mr. Cohen said that according to state law, consideration must be given to including a hotel and amenities within park land, but he stated the City has no plan for a hotel on IR Sites 7 and 18.

Ms. Warren asked if there was a possibility there would be a small community center or recreation center in the open space. Mr. Cohen indicated that at this time it was not likely the redevelopment would include a community center or recreation center, but there might be a small room such as an equipment locker. He said his understanding was that utilities at the park would be shallow enough so that they would not impact the planned cap, and would allow the process to move forward. Ms. Roebuck added that the cap would need a geotechnical engineering evaluation to ensure that any settling that occurred would not pose a problem. Mr. Cohen indicated the redevelopment of the land would fit the remedy, and the City would work to ensure that reuses were appropriate for the areas in which they occurred; for example, a deep swimming pool would not be installed in an inappropriate area. He said the City wanted the land and would work to adjust redevelopment to fit reuse categories.

Mr. Howell indicated he would follow up on the relationship between the design of the remedy and the cap to ensure they were consistent, and that the Navy was maintaining the cap. Mr. Forman agreed that the City is looking at the category of land to develop and convey as integral to the design of the remedy. Mr. Cohen indicated the City and the Navy would work together to identify a remedy, such as the cap, and negotiate any deed restrictions necessary, while he understood that oversight requirements would be driven by the remedy (such as the cap) and that the requirements of the cap would be driven by redevelopment plans. Catherine Ewing (CDPH) inquired if Lennar developed the park, if would Lennar retain ownership of the park. Ms. Warren indicated that the City would retain ownership of the park.

Mr. Cohen asked to discuss some logistics of the road and sidewalk designs. Ms. Warren stated the cap should be designed so that the City could complete the construction of the roads and sidewalks without disturbing soils beneath clean fill. The understanding is that there will be a line of demarcation in the soil that marks the point at which clean fill ends and native soils begin. Mr. Lanphar added that according to Ms. Roebuck, the City intended to avoid the area below the cap and would work to install infrastructure above the cap, so, for instance, 2 to 3 feet of fill would be added on top of the cap in areas where the Navy wanted to include a water pipeline to rest on top of the cap, so as not to impact the area below.

Mr. Cohen indicated the City intended to identify baseline site conditions, so that if in the future site uses changed and the City wanted to construct a building on the site, a work plan would be required to evaluate if the cap would need to be changed or other alternatives considered. Mr. Lanphar indicated that was true; if the line of demarcation in soil or some other threshold is crossed, a work plan would be required. Vandana Kohli (CDPH) clarified the plan was for a 2-foot cap, covered with a “demarcation layer” and then an additional 2 to 3 feet of cover.

#### **Action Items:**

- Parties to evaluate a multi-phase transfer, including consideration of:
  - a. Single transfer with cap in place
  - b. Multiple stage transfer with cap put in place following the FOST
  - c. Single CDR or more than one CDR
- Navy will evaluate data for IR 7/18 to determine if any portion is not radiologically impacted.

#### **Status of Navy/CDPH Issues Regarding QA and Lab Samples**

At Mr. Forman’s suggestion, due to time considerations, the discussion moved on to the next agenda item, the quality assurance (QA) of radiological laboratory samples. Mr. Gilkey briefly summarized that this is a technically complex issue with the QA samples and should be resolved with technical resources. He stated the problem is the large variances seen in the laboratory results when the results are below the usual reporting range. Mr. Gilkey indicated that if the issue is not resolved quickly, then the issue could impact the schedule. Mr. Cohen inquired about the progress on the sewer line clearance within IR Sites 7 and 18. Mr. Cohen suggested that CDPH resources should be available to help resolve any of the issues. Mr. Gilkey indicated the issue is technically complex and the Navy has been working with CDPH for the last 6 months to resolve the issues, but he believes by the next meeting the issue should be resolved.

Mr. Cohen inquired if this issue is impacting the CDPH’s ability to review the current reports for the site. Mr. Gilkey said he understood that report reviews are ongoing, and that the problem is the comparison of the off-site versus on-site laboratory results. Mr. Gilkey indicated that the on-site laboratory, which is not State certified, has shown consistently reliable QA confirmation samples, while the State-certified off-site laboratory has bigger variances in the QA confirmation sample counts. Mr. Cohen asked if CDPH is moving the process ahead. Mr. Howell confirmed CDPH is working to resolve the issue.

Mr. Lanphar asked if one of the issues was the sampling and analysis plan, and the difficulty of finding a high-quality, certified off-site laboratory for confirmation samples. Mr. Gilkey indicated the requirement to find a quality off-site laboratory was a part of the dilemma. Mr. Howell indicated the lab QA issue is complex and CDPH is working to get it resolved. He added if it is not resolved before the next meeting, it should be discussed at that time. Kurt Jackson (CDPH) indicated CDPH is pursuing several paths to get acceptable lab data and meet schedules, but whether it can be completed in time for transfer is unknown, and it might be time to consider a lease agreement. Mr. Jackson confirmed CDPH is continuing to review documents. Mr. Cohen summarized the parties are working to resolve the issues in a timely manner.

Mr. Lanphar added that the data quality concerns may delay the review of the Draft Remedial Action Closure Report (RACR) if the QA issue is not resolved in a timely manner. Mr. Forman reported the Navy is planning to move forward with the Draft RACR and Record of Decision (ROD) for Parcel D2 in parallel, with confidence that the area is safe and the QA issue will be resolved.

#### **Action Item:**

- Resolve the technical quality assurance issue for radiological confirmation samples.

#### **Status of Building 140 Sump Issues (Samples, etc)**

Ms. Brownell moved to the next topic of discussion on the agenda, the Building 140 sump update. Ms. Brownell inquired if the Navy had been granted a free release for the building that should be included in the ROD. Ms. Kito clarified the building is not radiologically impacted, but the discharge channel from the building is impacted, and the discharge channel would be considered part of Parcel F. Ms. Kohli asked if the data would be forwarded for review soon. Laurie Lowman (RASO) indicated she was reviewing the data and would forward it to CDPH in the next week. Ms. Kohli stated that if the building is in Parcel B and it is radiologically impacted, then it is important that the remedy be completed before transfer. Mr. Cohen agreed the City will not take possession of radiologically impacted property. Mr. Gilkey confirmed that the Navy intends to pursue free release for the buildings and sewers.

Mr. Lanphar inquired if the Navy intended to prepare a RACR for each parcel. Mr. Murphy asked the Navy to clarify whether the discharge channel was part of Parcel F. Ms. Kito said the discharge channel is associated with the Bay and therefore part of Parcel F. Mr. Cohen asked if it was possible to prepare a three-dimensional carve-out, and how to address such a carve out with a deed restriction. Ms. Kito indicated the contamination was at 30 to 35 feet below ground surface. Ms. Kito explained that the screening level for cesium was 0.113 picocuries/gram (pCi/g), and samples had detected very low levels of cesium at 0.145 to 0.15 pCi/g; she said that additional data surveys were needed. Mr. Forman said that the discharge channel connects to the deep shaft in the building, and that the BCT would need to discuss



the radiological issue. Mr. Cohen inquired about the plan to carve out a three-dimensional area. Mr. Forman stated the plan was to look at the cleanup goals and the risk drivers, and clean up what was necessary. Ms. Lawson indicated the need to discuss the discharge channel from Building 140 to the Bay, as there were already established task specific plans (TSPs). Dane Jensen (Navy) indicated the cesium was actually detected in the intake channel at a depth of 60 feet in the sediments. Ms. Lawson said the Navy was working on evaluating the connection between Building 140 and the Bay using TSPs.

#### **Action Item:**

- Navy (RASO) to provide CDPH the data for the intake and discharge channels from Building 140 to determine if there is an issue for Parcel B, or Parcel F.

#### **Schedule for Remedial Design and Cover/Cap Implementation at IR Sites 7 and 18**

Mr. Gilkey moved on to the next agenda topic, the schedule for remedial design. Mr. Lanphar asked about the Remedial Design (RD) for the cover and cap schedule and the timing of the implementation of CDPH's licensing exemption. Mr. Moss indicated that, other than design, there is a need to ensure the cap is effective. Mr. Cohen indicated the Navy should prepare the first draft of the proposal. Ms. Warren added it is DTSC's opinion that the cap design must contain sufficient detail to provide draft language for a covenant. Mr. Lanphar indicated the language for a covenant is more appropriate in a ROD. Mr. Forman indicated he favored the Air Force's style, of preparing the ROD and RD in parallel. Mr. Lanphar pointed out that there are two issues: first, the actual design of the cap, and second, how it fits into the transfer schedule, with two potential early transfers. Mr. Lanphar also added that the timing for the placement of the cap and cover must be spelled out; for example, the cover will be in place by "X time." Mr. Cohen agreed that the Air Force style of preparing the document in tandem was acceptable.

Mr. Elliott clarified that if early transfer is to be proposed to the Governor, the Navy must retain title to the property until the cap is in place or it will not be possible to recommend the transfer to the Governor. Mr. Gilkey indicated the schedule currently is to have 35 percent of the RD completed by January 2009, which should be acceptable. Mr. Lanphar added that the cover and cap need to be 100 percent completed before title to the land can transfer. Mr. Elliott added that the language in the FOSET needs to define the cover and cap. Ms. Kito advised that the current CDR date for Parcel G is December 2009, and the CDR for Parcel B is scheduled for February 2010. The schedule calls for the RD to be 95 percent complete in July 2009. Mr. Cohen added that if it is decided that one CDR for both parcels is better for all parties, then it would be preferable to happen in December 2009; however, if two packages are necessary, then two packages will be submitted; that decision has not been made yet.

Mr. Gilkey asked if the November 2008 ballot measure for the proposed 49's stadium in Santa Clara would have any impact on the schedules and the path forward. Mr. Cohen indicated the issue was slated for either the June or November ballots, and the City will prepare the language for the November ballot if necessary. Mr. Gilkey added there is generally a need for a long lead time for redevelopment projects. Mr. Cohen indicated the City is working directly with the National Football League and has told the NFL that November 2009 is when the project can begin work. The City realizes it has compressed time, but is hoping to meet the goals. If necessary, the City will prepare two CDRs, but wants to hold off on the decision to split the CDRs until later.

## ***Risk Management Plan***

The Risk Management Plan topic covers two items: the status of development of the Risk Management Plan, and the relationship between the Risk Management Plan and Operation and Maintenance (O&M) Plan for IR Sites 7 and 18.

### **Status of RMP Development**

Ms. Brownell introduced the Risk Management Plan (RMP) by stating that the internal version of the RMP is being reviewed by the City and Lennar, and final edits, without legal review, should be ready for the Navy review next week. Mr. Forman clarified the RMP is being submitted to only the Navy for review at this time. Ms. Brownell confirmed that was true. She continued, stating that the preparation of the RMP had identified some global issues, such as the issues with IR Sites 7 and 18, that would not be included in the draft prepared for review. She added that the City's preference is to resolve the global issues first, and that for legal and insurance purposes, the radiological issues were going to be separated out.

### **Relationship between the Risk Management Plan and the Operation and Maintenance Plan**

Ms. Brownell moved on to the relationship between the RMP and the O&M Plan. She stated the RMP will include references to both the RD and Remedial Action (RA) as well as the O&M Plan. Mr. Forman indicated that was acceptable. Mr. Lanphar asked whether for IR Sites 7 and 18 the cover maintenance and inspection reports would be separate from the RMP. Ms. Brownell clarified the RMP would specify that O&M be performed as per the plan, and would provide notification requirements for reporting any problems. Therefore, if there were issues, there would be a defined path for resolution. Mr. Gilkey clarified that the RMP would also contain a listing of activities that were acceptable. Mr. Lanphar mentioned that the Parcel B Amended ROD might need to refer to the O&M Plan and there would need to be proper language for O&M for Parcel B, as opposed to just relying on the RMP.

Mr. Carr inquired if the Parcel B Amended ROD is finalized, how would it tie into the RMP. Mr. Forman clarified that you cannot have an RMP before you have a final ROD. Ms. Roebuck further clarified that the RMP is comparable to Land Use Controls (LUC) for the RD. She added that a determination is needed for when the RMP is triggered for a site, and if LUCs are not in place, whether the RMP may be used before the final remedy is in place.

Ms. Roebuck provided the example that at Parcel B, most of the land is covered, and if the cover is left in place, that could be used as a LUC in place of the RMP. Ms. Brownell said the RMP could be of use while constructing new buildings. Rex Callaway (Navy) explained that the O&M Plan would be attached to the RD. Mr. Murphy clarified the O&M Plan is discussed before the remedy is in place and working as planned, but the O&M Plan would not be final until the final determination is made that the remedy was in place and functioning properly.

Mr. Lanphar indicated the O&M Plan should be protective of public health. Mr. Gilkey indicated it was important to move forward with the document, and start the review and comment process. Mr. Carr clarified that the ROD would be accepted with an understanding of what the RMP would accomplish, and that the RMP would be incorporated into the remedy. Ms. Brownell told the group they could expect the RMP soon, so they would have a good understanding of what the RMP was to accomplish. Ms. Brownell inquired if it was possible for the ROD to have a skeletal RMP. Mr. Gilkey suggested it would be beneficial to submit the RMP to the group at this time, rather than to just the Navy.

Mr. Elliott asked if a separate RMP will include IR Sites 7 and 18 as well. Ms. Roebuck indicated the current version of the RMP does not include IR Sites 7 and 18. Mr. Elliott indicated he would like to see the RMP without IR Sites 7 and 18 included, and that perhaps IR Sites 7 and 18 did not require an RMP, but merely an O&M Plan. Ms. Roebuck indicated it was important to get the information out, even though there is not a full understanding of all the details; for example, a detailed understanding of the engineering of the remedy. Mr. Carr voiced a concern about the schedule for the Parcel B ROD that has comments due on September 24, and then the RMP would be delivered September 20. Mr. Gilkey asked Ms. Brownell to submit the internal draft of the RMP to the Navy and the BCT. Mr. Elliott indicated he was still concerned that IR Sites 7 and 18 were not included in the RMP. Ms. Brownell indicated the issues would not be resolved in time. Mr. Ripperda indicated he wanted to be sure it was consistent with the RD. Mr. Lanphar stated the RMP should be sent to the BCT and Navy, including CDPH for review.

#### **Action Item:**

- City of San Francisco and Lennar will distribute the Risk Management Plan to the Navy, BCT and CDPH next week.

#### ***Early Transfer***

The topic of early transfer includes the status of the Navy's Early Transfer Conveyance Agreement (ETCA) language and the status of the Lennar/City ETCA scope of work.

Mr. Gilkey introduced the discussion of the early transfer schedule. He said the Navy anticipated finalizing ETCA language in 2 weeks. Mr. Cohen asked if the language would be based on the Fort Ord language, which is the most current example; Ms. Liotta replied that

the language would be based on the Point Molate ETCA. Ms. Brownell indicated that the City is preparing a scope of work that should be completed by the middle of next week. Ms. Roebuck said the scope of work and schedules should be drafted in the next few days. Mr. Cohen said the timing was important to minimize the issue of costs for repetitive work. Mr. Gilkey indicated the Navy is working to identify the costs and to plan for funding in the second quarter of fiscal year 2010; funds will be tied to both the scope of work and actual start of work, and the current budgets do not reflect these efforts. Mr. Cohen said he presumed the scope of work and ETCA language would drive the funding.

### **Action Items:**

- The Navy will forward the ETCA language to the City.
- Lennar will forward a draft scope of work to the Navy next week.

### **Schedule Update**

Ms. Kito introduced the schedule update. She said the draft early transfer schedule had been forwarded to the BCT and CCSF. She stated that the City's preferred date of December 2009 would be difficult to achieve, and that a more realistic schedule shows transfer in February 2010. Ms. Kito added that it is difficult to know where and how to shorten the schedule to make the December 2009 deadline. Ms. Roebuck said that comments on the schedule would focus on the early transfer. Mr. Gilkey said he was not optimistic that the December 2009 date is achievable, although that partially would depend on the number of CDRs planned. Mr. Cohen asked if the Navy could review the schedule to identify areas where time could be saved. Mr. Forman asserted that the schedule is already very lean.

Ms. Roebuck thanked Ms. Kito for the 1-page summary of the schedule. She noted the schedule called for a Finding of Suitability for Lease (FOSL) and Lease in Furtherance of Conveyance (LIFOC) in December 2009, which would allow early demolition of buildings; however, she stated the City would not accept the LIFOC if it did not include a quitclaim deed. Mr. Gilkey indicated the LIFOC was not the preferred path at this time. Ms. Roebuck indicated a lease or license would be necessary to start demolition. Mr. Cohen stated that the City cannot require Lennar to begin demolitions until there is a signed development agreement, which does not need to be a LIFOC. Ms. Roebuck indicated Lennar would need to have access to the property to begin demolition. Mr. Gilkey indicated that process would be tied to the completion of the California Environmental Quality Act (CEQA)/National Environmental Policy Act (NEPA) documentation.

### **Conflicts Between Building 103 Artists Schedule Current Schedule**

Mr. Forman indicated there would be a change to the Building 103 schedule. Mr. Cohen asked if the schedule would include time to remediate Building 103. Mr. Brownell indicated the previous schedule did not address the issues surrounding Building 103 because of the presence of the artists. Mr. Brownell indicated the artists have decided to move off the base. Mr. Gilkey indicated that information on the artists move date presented here would allow

the Navy to establish firmer dates for the schedules. Ms. Kito indicated the schedule currently reflects delays for Parcel B, and if the artists do not leave the area until November and EPA concurrence cannot be received until the RACR is completed, that will result in an approximately 1 to 1-1/2 month delay. Mr. Cohen indicated the situation with the artists was unavoidable, and that negotiations had taken place to allow the artists to remain in their location until after the annual artists' open house in November. Ms. Brownell said that November 3, 2008, was a confirmed date that the artists would be out of the buildings and the Navy could begin their work. Mr. Forman indicated work was scheduled to begin on Building 103 on November 5.

**Action Item:**

- The Navy will include the schedule for the artists' move (November 3, 2008) in the schedule.

Mr. Lanphar reviewed the action items; see Attachment B. The next meeting was planned for September 15, 2008 in Sacramento at 10:30 AM. The location is to be determined. The meeting adjourned.

**ATTACHMENT A:  
HUNTERS POINT SHIPYARD  
MEETING ATTENDANCE SHEET**

**TOPIC:** TRANSFER MEETING  
**LOCATION:** DTSC, 700 HEINZ AVENUE, SUITE 200  
 BERKELEY, CA 94710  
**DATE/TIME:** AUGUST 14, 2008 / 1:30 PM

Name	Agency	Phone	Email
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Rufus Howell	CPDH	916-445-0275	
Melanie Kito	Navy	619-532-0787	<a href="mailto:Melanie.kito@navy.mil">Melanie.kito@navy.mil</a>
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Lewis Maldonado	U.S. EPA	415-972-3926	<a href="mailto:Maldonado.lewis@epa.gov">Maldonado.lewis@epa.gov</a>
Campbell Merrifield	TTEMI	415-222-8206	<a href="mailto:Campbell.merrifield@ttemi.com">Campbell.merrifield@ttemi.com</a>
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Elaine Warren	CCSF – City Attorney	415-554-4614	<a href="mailto:Elaine.warren@sfgov.org">Elaine.warren@sfgov.org</a>

**ATTENDEES BY TELEPHONE:**

Name	Agency
Gordon Hart	Paul Hastings/Lennar
Kurt Jackson	CDPH
Penny Leinwander	CDPH
Laurie Lowman	RASO
Lara Urizar	Navy
Hamide Kayaci	Navy
Dane Jensen	Navy
Beth Larson	Navy
Sara Koppel	Navy

## Notes:

CCSF	City and County of San Francisco
CDPH	California Department of Public Health
DTSC	Department of Toxic Substances Control
Lennar	Lennar Inc.
RASO	Radiological Affairs Support Office
TTEMI	Tetra Tech EM Inc.
U.S. EPA	U.S. Environmental Protection Agency
SF DPH	San Francisco Department of Public Health
Water Board	San Francisco Bay Regional Water Quality Control Board

**ATTACHMENT B:  
HUNTERS POINT SHIPYARD TRANSFER TEAM MEETING  
ACTION ITEM LIST**

1. Parties to evaluate a multi-phase transfer, including consideration of:
  - a. Single transfer with cap in place
  - b. Multiple stage transfer with cap put in place following the FOST
  - c. Single CDR or more than one CDR
2. Navy will evaluate data for IR 7/18 to determine if any portion is not radiologically impacted.
3. Resolve the technical quality assurance issue for radiological confirmation samples.
4. Navy (RASO) to provide CDPH the data for the intake and discharge channels from Building 140 to determine if there is an issue for Parcel B, or Parcel F.
5. City of San Francisco and Lennar will distribute the Risk Management Plan to the Navy, BCT and CDPH next week.
6. The Navy will forward the ETCA language to the City.
7. Lennar will forward a draft scope of work to the Navy next week.
8. The Navy will include the schedule for the artists' move (November 3, 2008) in the schedule.